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4 Attorneys for Plaintiff
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 BOARD OF TRUSTEES OF THE AUTOMOTIVE)	NO. C 08 1594 JL
12 INDUSTRIES, et al.)	
13 Plaintiff,)	DECLARATION OF ATTORNEY
14 vs.)	MICHAEL J. CARROLL IN
15 L.A. SMITH & SONS INC., a California)	SUPPORT OF PLAINTIFF'S
16 corporation)	EX PARTE APPLICATION FOR
17 Defendant.)	ORDER TO CONTINUE CASE
	MANAGEMENT CONFERENCE

18 I, MICHAEL J. CARROLL, certify:

19 1. I am an attorney with the law firm of Erskine & Tulley,
20 A Professional Corporation, attorneys for plaintiff, BOARD OF TRUSTEES
21 OF THE AUTOMOTIVE INDUSTRIES WELFARE FUND, AUTOMOTIVE INDUSTRIES
22 PENSION FUND, JIM BENO TRUSTEE, in this action. I am duly admitted
23 to practice law in the United States District Court, Northern District
24 of California. If called as a witness, I could and would competently
25 testify as follows:

26 2. Service was accomplished upon the only party in this
27 case on June 16, 2008. No responsive pleading has been filed,
28 although defendant has been represented by counsel.

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On June 24, 2008 I served the within **DECLARATION OF ATTORNEY MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE** on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

L. A. Smith & Sons
903 Williams Street
San Leandro, CA 94577

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on June 24, 2008 at San Francisco, California.

/s/ Sharon Eastman
Sharon Eastman